

Bond Case Briefs

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MUNICIPALITIES - ALABAMA

Bynum v. City of Oneonta

Supreme Court of Alabama - February 27, 2015 - So.3d - 2015 WL 836700

City residents brought action against city, seeking declaratory and injunctive relief, challenging city's right to hold referendum election on whether to allow sale of alcohol in city. The Circuit Court entered order granting declaratory relief in favor of city and denying residents' request for injunctive relief. Residents appealed.

The Supreme Court of Alabama held that:

- Statute allowing municipalities of over 1,000 to hold referendum elections on sale of alcohol, but not allowing municipalities in three specific counties to hold such elections, violated equal protection, and
- Unconstitutional portion of statute was not severable.

Statute allowing municipalities with populations of 1,000 or more to hold referendum elections on whether to allow sale of alcohol, but not allowing municipalities in three specific counties to hold such elections, violated equal protection, since there was no rational basis to distinguish between the three excluded counties and the other 64 counties in the state.

Unconstitutional portion of statute governing whether municipalities with populations of 1,000 or more could hold referendum elections on whether to allow sale of alcohol, violating equal protection by excluding municipalities in three specific counties from holding such elections, could not be severed from portion of the statute allowing such elections for municipalities in remaining 64 counties. Statute did not contain a severability clause, legislature excluded the three counties for no rational reason, and severing language excluding the three counties would be to undermine the clear intent of the legislature.